

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS

June 3, 1981

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, June 3, 1981 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes, Katnich, Murphy,
Pinkerton, and McCarty
(Mayor)

Absent: Councilmen - None

Also

Present: City Manager Graves, Assistant City
Manager Glenn, Public Works Director
Ronsko, Community Development Director
Schroeder, City Attorney Stein, and
City Clerk Reimche

INVOCATION

The invocation was given by Dr. Wayne Kildall,
Center of Hope

PLEDGE

Boy Scout Eric Wolff joined Mayor McCarty in
leading the Pledge of Allegiance to the Flag.
Boy Scouts Jeff Smith and Robbie Blank along
with their Scout Master Andy Anderson representing
Troop 296 were also in the audience.

COMMUNICATIONS
(CITY CLERK)

ABC LICENSE
APPLICATION

City Clerk Reimche presented an application for
Alcoholic Beverage License which had been received
for Joe T. Camper of the Happening, 212 W. Kettle-
man Lane, Lodi, On-Sale Beer and Wine Public
Premises.

HUD SECTION 8
HOUSING PROPOSAL

City Clerk Reimche presented a letter which had
been received from Michael P. Kulich, Service Office
Supervisor, Department of Housing and Urban
Development, stating that they have received and
are considering a Preliminary Proposal to develop
housing in this jurisdiction under the Section 8
Housing Assistance Payments Program for New
Construction. The proposal numbered CA30-T811-003
consists of 32 units at 105 S. Washington Street,
Lodi, and is being proposed by the LOEL Foundation.
Council discussion followed with questions regard-
ing the adequate sizing of utility lines for a
development of this size at that location being
directed to Staff. Following additional discussion,
Council, on motion of Councilman Katnich, Murphy
second, directed the City Clerk to forward a letter
of endorsement to the Department of Housing and
Urban Development on the proposed LOEL Foundation
Section 8 Housing.

CHECK
RECEIVED FROM
OLD LODI UNION
HIGH SCHOOL SITE
FOUNDATION

Sheri Mallory, representing the Old Lodi Union
High School Site Foundation, presented a check
in the amount of \$930.00 advising that most of
these funds had been raised through the sale
of raffle tickets for the old fire truck.

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'81 CENSUS
FIGURE
CERTIFIED BY
STATE DEPT.
OF FINANCE

City Clerk Reimche reported that she was in receipt of a letter from the State Department of Finance certifying the City of Lodi census figure as of January 1, 1981 at 35,574.

COMPLAINT
RECEIVED RE
MOKELUMNE RIVER
HAZARDS TO
BOATERS IN AREA
OF RIVERGATE
MOKELUMNE

Council asked the City Clerk to respond to a letter which had been received from the Rivergate Mokelumne Homeowners Association regarding hazards to boaters which exist on the Mokelumne River as it passes that subdivision.

COMMENTS BY
CITY COUNCILMEN

NON-AGENDA
ITEMS

Mayor Pro Tempore Murphy requested that in the future non-agenda items brought before the Council should be limited to finance items only.

FORMAT FOR
SHIRTSLEEVE
SESSION

Mayor Pro Tempore Murphy then addressed the Council regarding the format for Informal Informational Meetings of the City Council. Mayor Pro Tempore Murphy cited Section 2-1.1 of the City Code entitled, "Informal Information Meetings" and asked that the format for future meetings not deviate from the procedure set forth in the Code.

SCHEDULE FOR
PRESENTATION OF
1981-82 BUDGET

Councilman Pinkerton asked for a time schedule of the presentation of the 1981-82 Budget.

PROCLAMATIONS

Councilman Katnich stated that he has a problem with the Mayor's determination to do away with the presentation of Proclamations and that he would have appreciated being informed prior to the final decision. Councilman Katnich further stated that he took exception to comments in a recent news article that stated that people who run for City Council usually have a pet project or goal. Councilman Katnich stated that he doesn't want anyone speaking for him--that this isn't why he ran for Council.

MEASURE AS TO
WHETHER MAYOR
SHOULD BE ELECTED

Following introduction of the subject by Councilman Katnich, Mayor McCarty appointed a committee comprised of Mayor Pro Tempore Murphy, City Attorney Stein and himself to look into the possibility of putting a measure on the ballot as to whether or not the Mayor of the City of Lodi should be elected.

REPORTS OF THE
CITY MANAGER

CONSENT CALENDAR

In accordance with reports and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Katnich, Murphy second, were approved by the City Council.

* * * * *

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CLAIMS	CLAIMS WERE APPROVED IN THE AMOUNT OF \$713,230.40.
MINUTES	THE MINUTES OF MAY 6, 1981 WERE APPROVED AS WRITTEN.
SPECS FOR CLASS II SLURRY SEAL APPROVED	THE SPECIFICATIONS FOR CLASS II SLURRY SEAL WERE APPROVED AND THE PURCHASING AGENT WAS AUTHORIZED TO ADVERTISE FOR BIDS THEREON.
SPECS FOR THREE-PHASE PADMOUNTED TRANSFORMER APPROVED	SPECIFICATIONS FOR THE PURCHASE OF ONE 500 KVA PADMOUNTED TRANSFORMER WERE APPROVED AND THE PURCHASING AGENT WAS AUTHORIZED TO ADVERTISE FOR BIDS THEREON.
AGENDA ITEM REMOVED	WITH THE TACIT CONCURRENCE OF THE CITY COUNCIL, AGENDA ITEM "e" - "APPROVE LOT LINE ADJUSTMENT - COPELAND PARCEL" WAS REMOVED FROM THE AGENDA
AWARD - CONTRACT FOR ALMOND DRIVE CURB AND GUTTER	The following bids which had been received for "Almond Drive Street Improvements, 650' W/Cherokee to 270' W/Cherokee were presented to Council.

RES. NO. 81-60

<u>BIDDER</u>	<u>AMOUNT</u>
Teichert Construction	\$8,110.60
Case Construction	\$8,407.80
Claude C. Wood	\$9,813.80
H. Max Lee	\$13,767.60

Following recommendation of the City Manager, Council adopted the following Resolution:

RESOLUTION NO. 81-60

RESOLUTION AWARDING THE CONTRACT FOR ALMOND DRIVE STREET IMPROVEMENTS 650' W/CHEROKEE TO 270' W/CHEROKEE TO TEICHERT CONSTRUCTION, THE LOW BIDDER, IN THE AMOUNT OF \$8,110.60.

AWARD - CONTRACT FOR PLEASANT AVENUE CURB AND GUTTER REPLACEMENT LODI AVENUE TO WALNUT STREET

City Manager Graves presented the following bids which had been received for the contract for "Pleasant Avenue Curb and Gutter Replacement, Lodi Avenue to Walnut Street":

RES. NO. 81-61

<u>BIDDER</u>	<u>AMOUNT</u>
Teichert Construction	\$31,331.70
Case Construction	\$39,634.25
Claude C. Wood	\$42,546.75

Following recommendation of the City Manager, Council adopted the following Resolution:

RESOLUTION NO. 81-61

RESOLUTION AWARDING THE BID FOR "PLEASANT AVENUE CURB AND GUTTER REPLACEMENT, LODI AVENUE TO WALNUT STREET" TO TEICHERT CONSTRUCTION, THE LOW BIDDER, IN THE AMOUNT OF \$31,331.70.

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AWARD - CONTRACT
FOR MSC, PHASE
III City Manager Graves presented the following bids
which had been received for the contract for
"Municipal Service Center, Phase III":

RES. NO. 81-62	BIDDER	Contract #1	Contract #2	Deduct fo Both I &
	Case Construction	\$50,222.00	-0-	-0-
	Teichert Construction	\$59,893.50	\$18,290.00	\$1,000.00
	H. Max Lee	\$63,968.00	-0-	-0-
	Conco West	\$71,970.00	-0-	-0-
	Claude C. Wood	-0-	\$21,830.00	-0-

Following recommendation of the City Manager, Council
adopted the following Resolution:

RESOLUTION NO. 81-62

RESOLUTION AWARING THE CONTRACT FOR "MUNICIPAL
SERVICE CENTER PHASE III" TO CASE CONSTRUCTION
FOR CONTRACT #1 AND TEICHERT CONSTRUCTION FOR
CONTRACT #2, THE LOW BIDDERS, IN THE AMOUNT OF
\$50,222.00 FOR CONTRACT #1 AND \$18,290.00 FOR
CONTRACT #2.

AWARD - CLASS II
SLURRY SEAL City Manager Graves presented the following bids
which had been received to apply Class II Slurry
Seal to City Streets:

RES. NO. 81-63	BIDDER	Total S/F	Total Cost
	Bay Area Sealers, Inc.	156,935	\$7,815.36
	California Pavement Maintenance Co.	156,935	\$8,428.13
	Valley Slurry Seal Co., Inc.	156,935	\$8,788.36

Following recommendation of City Manager Graves,
Council adopted the following Resolution:

RESOLUTION NO. 81-63

RESOLUTION AWARING THE CONTRACT TO APPLY CLASS
II SLURRY SEAL TO BAY AREA SEALERS, INC., SAN
JOSE, CALIFORNIA IN THE AMOUNT OF \$7,815.36.

AWARD - BID FOR
ASPHALT City Manager Graves presented the following bids
REJUVENATING which had been received to supply 5,000 gallons
AGENT of asphalt rejuvenating agent:

RES. NO. 81-64	BIDDER	Total Gallons	Total Cost
	Reed & Graham, Inc.	5,000	\$6,731.00
	Sheldon Oil Company	5,000	\$6,996.00

Following recommendation of the City Manager,
Council adopted the following Resolution:

RESOLUTION NO. 81-64

RESOLUTION AWARING THE BID TO SUPPLY 5,000
GALLONS OF ASPHALT REJUVENATING AGENT TO REED
AND GRAHAM, INC., AUBURN, CALIFORNIA.

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EXTENSION OF
DEVELOPMENT
AGREEMENT FOR
LAS CASITAS
UNIT #1
APPROVED

Council received a copy of a letter from the Hawaii and San Francisco Investment Company asking for a time extension for the Development Agreement for Las Casitas, Unit No. 1 and the reasons for their request. No work has commenced as of May 28, 1981, and improvements are supposed to be completed by June 1, 1981. Under the development agreement, the City Council may unilaterally extend the time for completion of the improvements; however, it is felt that the City should also receive acceptance of the Surety to insure the continuation of improvement guarantees provided by the developers.

COUNCIL APPROVED A TIME EXTENSION OF ONE YEAR FOR THE DEVELOPMENT AGREEMENT FOR LAS CASITAS, UNIT NO. 1, AND AUTHORIZED THE CITY ATTORNEY TO PREPARE A LETTER AGREEMENT WITH THE DEVELOPERS TO BE EXECUTED BY THE CITY MANAGER AND CITY CLERK, ALL SUBJECT TO ACCEPTANCE BY THE SURETY.

LEASE AGREEMENT
WITH CHAPMAN
FORESTRY
FOUNDATION AT
W.S.W.P.C.
APPROVED

Council was apprised that Chapman Forestry Foundation entered into a lease agreement with the City to use acreage at White Slough Water Pollution Control Plant for the purpose of raising and growing trees. The terms of this lease began July 1, 1978 and terminated June 30, 1981. It also included an option to extend the terms of the lease for an additional period of eight years. This lease covers that option and commences July 1, 1981 terminating at midnight June 30, 1989.

COUNCIL APPROVED THE LEASE BETWEEN THE CITY OF LODI AND THE CHAPMAN FORESTRY FOUNDATION AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY.

Following introduction of the matter, and discussion, on motion of Councilman Hughes, Pinkerton second, action on agenda item "m" - "Approve Agreements with State of California on Railroad Crossing Protection on Main, Sacramento and Stockton Streets" was deferred to the regular meeting of June 17, 1981.

CHEROKEE LANE
AND KETTLEMAN
LANE SIGNAL
MODIFICATION
AGREEMENT
APPROVED

RES. NO. 81-65

A proposed agreement between the State of California and the City which provides for the sharing of cost to modify the existing traffic signal at Cherokee Lane and Kettleman Lane to an eight-phase system which provides additional left turn phases and safety lighting. Under this agreement, the State agrees to provide the plans and specifications and all necessary construction engineering to construct the project; administer the contract; and maintain and operate the entire traffic control system and safety lighting, paying 50% of these maintenance costs. The City will share in the cost of the preparation of the plans and specifications, construction engineering overhead, and in the cost of the maintenance and operation of the traffic signals amounting to 50% of the total cost. It is estimated that the City's share of the cost of preparing the plans and specifications and construction engineering overhead is between \$5600 and \$6400 and will

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be paid with TDA funds.

Council then adopted the following Resolution:

RESOLUTION NO. 81-65

RESOLUTION APPROVING THE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY FOR THE SIGNAL MODIFICATION AND SAFETY LIGHTING PROJECT AT THE INTERSECTION OF CHEROKEE LANE AND KETTLEMAN LANE (HIGHWAY 12) AND AUTHORIZED THE MAYOR AND CITY CLERK TO SIGN THE AGREEMENT

DEVELOPMENT
AGREEMENT WITH
LAVOR AND
DOROTHY
THOMPSON (RO-TILE)
APPROVED

Council was informed that LaVor and Dorothy Thompson have requested recordation of a parcel map for 330 N. Cluff Avenue. City policy is that the improvements be guaranteed and fees paid before the map is approved; however, since this parcel will be part of the assessment district, the improvements and fees will be part of the district.

COUNCIL APPROVED THE DEVELOPMENT AGREEMENT WITH LAVOR AND DOROTHY THOMPSON (RO-TILE) AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

* * * * *

COUNCIL
CONCERNED RE
CONDITIONS OF
SP CROSSINGS

Following introduction of the matter by Mayor Pro Tempore Murphy, Staff was directed to contact the Southern Pacific Transportation Company regarding the poor conditions of the crossings at Pine and Lockeford Streets.

MEDIAN CUT FOR
GOLDEN CORRAL/
RICHARD SANBORN
APPROVED
WITH CONDITIONS

Agenda item "p" - "Median Cut for Golden Corral" - request by Dick Sanborn" was introduced by Staff. Background information regarding the request as well as diagrams of the subject area were presented for Council's perusal.

RES. NO. 81-66

Mr. Sanborn was in the audience and addressed the Council regarding his request. A lengthy discussion followed with questions being directed to Staff and to Mr. Sanborn. On motion of Councilman Pinkerton, Murphy second, Council adopted Resolution No. 81-66 establishing new access rights to a parcel of land located at 1190 South Cherokee Lane, Lodi, with the following conditions:

- 1) that Resolution No. 80-150 is hereby rescinded;
- 2) that the design of the median is subject to approval of the Public Works Director
- 3) that all costs related to the median opening to be borne by the parties above listed;
- 4) that this Resolution is adopted on the express condition that property owners of record shall be fully responsible for the cost of installing street

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improvements to comply with the Cherokee Lane Beautification Plan as prepared by Paul Tritenbach, Landscape Architect, dated November 8, 1966. Said beautification plans required the installation of an automatic sprinkler system, the planting and maintenance of turf, and the planting and future care of 10 Zelkova trees.

- 6) that the cost of all of the improvements herein required, including curb, gutter, sidewalk, street paving, and the installation of the aforesaid landscaping, shall be at the cost and expense of owner in fee of adjacent parcels.

The motion carried by the following vote:

Ayes: Councilmen - Hughes, Murphy, Pinkerton, and McCarty

Noes: Councilmen - Katnich

RECESS

Mayor McCarty declared a five-minute recess and the meeting reconvened at approximately 9:15 p.m.

RECOMMENDATION BY LODI DESIGN GROUP RE LODI COMMUNITY CENTER

An Administrative Report regarding the Lodi Community Center as prepared by the Lodi Design Group was presented by Mr. Lew Bishop. The presentation included a slide presentation and was concluded with the Lodi Design Group making the following recommendations concerning the site:

- 1) Remove the main building foundation as there is no apparent use nor can we find a cost-effective solution for reuse. There is no aesthetic significance to the remaining structure and we can eliminate the present safety liability.
- 2) Remove the girls' shower building as there is no easily achievable, cost-effective use.
- 3) Remove the frame connecting rooms between the auto shop and industrial arts building to open the space along Walnut Street.
- 4) After September 7, remove the fencing on Rose and Oak Streets, placing the fencing adjacent to the buildings so that the open space and playing field can be more accessible to the public.
- 5) Prune, trim, and remove trees and shrubs at the direction of Dauber & Kikuchi through donated services.
- 6) Increase maintenance of the turf areas along Hutchins Street.
- 7) Freeze any new work on the site until after September 7.

Following a lengthy discussion, with questions being directed to Staff and to Mr. Bishop, on motion of Councilman Hughes, Murphy second, Council authorized proceeding with the seven recommendations proposed by the Lodi Design

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Group regarding the site, which recommendations have been heretofore set forth. The motion carried by the following vote:

Ayes: Councilmen - Hughes, Murphy, Pinkerton, and McCarty

Noes: Councilmen - Katnich

Absent: Councilmen - None

RECESS

The Mayor declared a two-minute recess; and the Council reconvened at approximately 10:00 p.m.

REAFFIRMATION OF
DOWNTOWN LOCATION
FOR NEW POST
OFFICE FACILITY

Following introduction of the matter, Council, on motion of Councilman Katnich, Pinkerton second, adopted Resolution No. 81-67 reaffirming its previous endorsement for a downtown location for a new Post Office facility.

RES. NO. 81-67

NOMA
REORGANIZATION
AND DETACHMENT
APPROVED

Council was apprised that the City was in receipt of the LAFCO Commission's Resolution No. 509 approving the Noma Reorganization (LAFC 10-81), including annexation to the City of Lodi and detachment from the Woodbridge Rural County Fire Protection District. Section 5 of the aforementioned Resolution stipulates that the City of Lodi is designated as the conducting agency and is authorized to complete proceeding without public notice and hearing by the City, pursuant to the provisions of the District Reorganization Act.

RES. NO. 81-68

Following discussion with questions being directed to Staff, Council, on motion of Councilman Pinkerton, Hughes second, adopted Resolution No. 81-68 approving the Noma Reorganization, including annexation to the City of Lodi and detachment from the Woodbridge Rural County Fire Protection District.

NORTHERN
CALIFORNIA
POWER AGENCY

City Manager Graves presented for Council approval the following documents pertaining to the Northern California Power Agency.

ORD. NO. 1228

1) Ordinance Authorizing the Northern California Power Agency to issue Revenue Bonds (NCPA Project No. 1 - Development Fund Bonds)

ORD. NO. 1229

2) Ordinance Authorizing the Northern California Power Agency to Issue Revenue Bonds (Shell East Block Project - Second Phase Bonds)

(INTRODUCED)

3) Member Agreement (Second Phase) for financing of Planning and Development Activities of the Shell East Block Geothermal Project

The City Manager reported that the purpose of the financing ordinances is to allow the Agency to obtain the lowest interest rate possible by

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issuing tax-exempt bonds and/or notes. The Agency is tax exempt; however, its non-profit power corporations are not and each corporation requires a special ruling from the Internal Revenue Service to be eligible to issue tax-exempt bonds and/or notes and this can be quite time consuming. If these ordinances pass, the Agency will borrow the money, and in turn, lend it to the necessary power corporation. The ordinance dealing with the financing for Power Corporation No. One (RFL) will be taken out of Development Fund payments already pledged and will cause no increase in obligations other than those presently made by those cities participating in the R.F. Project.

Although some members are not participating in the RFL project, all members must approve this ordinance even though non-participating members will not incur any financial obligations. This is a requirement of the enabling legislation under which the Agency was formed.

The Member Agreement for the Shell East Block project is to have in place a legal mechanism at which financing for the project can proceed.

Following a lengthy discussion with questions being directed to Staff, Council took the following actions concerning these items.

Councilman Katnich then moved for introduction of Ordinance No. 1228 - Ordinance authorizing the Northern California Power Agency to issue Revenue Bonds (NCPA Project No. 1 - Development Fund Bonds). The motion was seconded by Mayor Pro Tempore Murphy and carried by unanimous vote.

Mayor Pro Tempore Murphy moved for introduction of Ordinance No. 1229 - Ordinance authorizing the Northern California Power Agency to issue Revenue Bonds (Shell East Block Project - Second Phase Bonds). The motion was seconded by Councilman Hughes and carried by unanimous vote.

On motion of Mayor Pro Tempore Murphy, Hughes second, Council deferred action on agenda item "v" - "Member Agreement (Second Phase for financing of Planning and Development Activities of the Shell East Block Geothermal Project" to the regular Council meeting of July 1, 1981.

SPECIAL ELECTION
AUGUST 25, 1981

RES. NO. 81-69

City Clerk Reimche outlined a number of items pertaining to the Special Election called for by the Council for August 25, 1981 that must be considered and acted on by the Council. Following discussion, with questions being directed to the City Clerk, Council took the following actions under Resolution No. 81-69:

On motion of Councilman Hughes, Katnich second, the City Clerk was directed to transmit a copy of the measure to the City Attorney to prepare an impartial analysis of the measure to be voted on at the August 25, 1981 Special Election showing the effect of the measure on the existing law and operation of the measure.

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On motion of Councilman Pinkerton, Hughes second, the legislative body of this City determined that in conjunction with the opponents of the measure to be voted on at the Special Election of August 25, 1981, an argument against the measure will be prepared.

On motion of Councilman Hughes, Pinkerton second, the legislative body of this City determined that it would prepare rebuttal argument on the measure to be voted on at the Special Election of August 25, 1981.

1981-82 BUDGET PRESENTATION

A brief presentation regarding the proposed 1981-82 budget was made by Assistant City Manager Jerry Glenn.

CLERK AUTHORIZED TO ADVERTISE FOR BIDS FOR OIL AND GAS LEASES FOR WHITE SLOUGH PROPERTY

Following introduction of the matter by City Manager Glaves, Council on motion of Councilman Katnich, Murphy second, authorized the City Clerk to advertise for bids for gas and oil leases on the White Slough Water Pollution Control Plant property.

ORDINANCES

P-D (21) AMENDED DENSITY OF LOT 56

ORD. NO. 1226 ADOPTED

Ordinance No. 1226 amending P-D (21), Planned Development District No. 21, by increasing the allowable residential density from 18 units per acre to 22 units per acre on Lot 56 of Lakeshore Village Subdivision, which is located on the south side of West Kettleman Lane, west of the W.I.D. Canal having been introduced at a regular meeting of the Council held May 20, 1981 was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, Katnich,
Murphy, Pinkerton,
and McCarty

Noes: Councilmen - None

Absent: Councilmen - None

APPROPRIATION OF FEDERAL REVENUE SHARING FUNDS 1980-81

Ordinance No. 1227 - Ordinance approving the proposed appropriation of Federal Revenue Sharing Funds - 1980-81 - \$401,351 having been introduced at a regular meeting of the Lodi City Council held May 20, 1981 was brought up for passage on motion of Mayor Pro Tempore Murphy, Hughes second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Hughes, Katnich,
Murphy, Pinkerton,
and McCarty

Noes: Councilmen - None

Absent: Councilmen - None

ADJOURNMENT

There being no further business to come before the Council, Mayor McCarty adjourned the meeting at approximately 10:45 p.m.

Attest:

Alice M. Brinque
ALICE M. BRINQUE